IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2006

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THE HONOURABLE MR. JUSTICE P. JYOTHIMANI

W.P.No. 26143 of 2006
and
M.P.Nos.1 and 2 of 2006

S.Vasudevan .. Petitioner

Vs

1. The Secretary to Government
   Public (Law & Order) A Department
   Fort St. George,
   Chennai - 600 009.

2. The Commissioner of Police
   Chennai City. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records of the respondents in connection with the impugned charge memo issued by the second respondent in P.R.No.30/PRI (1)/98, dated 12.07.1998 and quash the same.

For Petitioner : Mr.K.Venkataramani
For Respondents : Mr.A.Edwin Prabhakar, GA

O R D E R

The impugned charge has been framed against the petitioner along with many other police officials, out of which the charge against the petitioner is that he has abetted the act of the Inspector in tampering the records in the police station. Earlier the petitioner and other police officials who were charged have moved the Tamil Nadu Administrative Tribunal challenging the charge memo issued to them in O.A.No.4083 of 1999. The Tribunal while dismissing the O.A.No.4083 of 1999 has directed the respondent to keep the charge memo in abeyance till the criminal case is over.

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2. Now the case of the petitioner is that the sessions court has proceeded with the trial in respect of the various charges framed against the petitioner and other police officials. Ultimately, by an order dated 12.04.2004, the court on merits has acquitted the petitioner and other police officials. In spite of the fact that the said acquittal on 12.04.2004, no further action has been taken based on the charge memo. However, it was on 28.04.2006, the petitioner was placed under suspension and he was not allowed to retire from the service. It is in those circumstances the learned counsel for the petitioner relies on the various authorities of the Supreme Court, that if a person has been acquitted of the charges in a criminal case, then the departmental enquiry has to be dropped. In view of the same, the petitioner has made a representation to the respondents on 18.07.2006.

3. I have heard the learned counsel for the petitioner and the learned Government Advocate who have taken notice on behalf of the respondents.

4. Even though in this writ petition, the petitioner has challenged the impugned charge memo dated 12.07.1998 on the basis of the subsequent decision of the criminal case in acquitting the petitioner and other police officials, Mr.K.Venkataramani, the learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is given to the respondents to consider the representation of the petitioner dated 18.07.2006 in the light of the Supreme Court Judgment and also the Judgment of the Sessions Court by acquitting the petitioner and other police officials, for which course of action the learned Government Advocate has no objection.

5. In view of the same, the respondents are directed to consider the representation of the petitioner dated 18.07.2006 in the light of the Supreme Court Judgment and also the Judgment of the Sessions Court by acquitting the petitioner and other police officials and pass appropriate orders on merits and in accordance with law regarding the continuation or otherwise of the charge memo, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government
   Public (Law & Order) A Department
   Fort St. George,
   Chennai - 600 009.

2. The Commissioner of Police
   Chennai City.

1 cc To The Government Pleader, SR.37397.
1 cc To Mr.K.Venkataramani, Advocate, SR.37430.

W.P.No. 26143 of 2006

GM(CO)
RVL 23.08.2006

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